

**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION**

Dated: Nainital the 6th day of May 2005
Criminal Misc. Bail application No. 345 / 2005
Order on the bail application of accused

CRIMINAL SIDE

Rajnish yadav,
S/o Late Shri Mamchand Yadav,
R/o Village Mendaheri
Police Station Bhopa,
District Muzaffar Nagar (U.P.).
At present tenant in the house of Mehar Singh Saini
Dhariwali Gali, Kasba and Police Station Jwalapur
District Haridwar Applicant.

Versus

State of Uttaranchal

....Opposite Party

Arising out of Case Crime No. 88/2004
U/Ss 302, 394, 201 and 411 I.P.C.
Registered on the basis of F.I.R. dated 24.10.2004
P.S. Raiwala
District - Dehradun

By the court

Hon'ble J.C.S Rawat, J.

Heard Sri Lokendra Dobhal learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. The case rests upon the circumstantial evidence. The only evidence against the applicant is that the recovery of two silver coins and a silver lining Kharaun was made on his pointing out from his house under section 27 of the Evidence Act. It was contended on behalf of the applicant that the recovery of Darati was made from the open place, which cannot be relied upon. It was further contended that the recovered articles i.e. Kharaun and two silver coins may be of the other persons. Co-accused Naveen Singhal has already been released on bail by Sessions Judge vide order dated 17.3.2005. Considering the circumstances of the case and contentions of the parties, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the CJM concerned.

(J.C.S. Rawat, J.)

Dated 06.5.2005
LSR